

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

CV-06-0241-EFS

vs.

RONALD V. WEEKS and SALLY R. WEEKS, Husband and Wife; RAY COLBERT; and ROBERT COLBERT,

Defendant.

FINAL ORDER OF FORFEITURE

Before the Court, without oral argument, is the Government's Application for Judgment and Decree of Foreclosure Upon Order of Default (Ct. Rec. 17). On August 30, 2006, the United States filed a complaint to collect indebtedness based on promissory notes signed by Defendants (Ct. Rec. 1). Defendants waived service (Ct. Recs. 6 & 7), but never responded to the complaint. On June 4, 2007, based on Defendants' failure to respond to the complaint, the Government filed a motion for entry of default (Ct. Rec. 14). A Clerk's Order of Default was filed on June 22, 2007 (Ct. Rec. 16). Now the Government seeks a final judgment and decree of foreclosure upon order of default (Ct. Rec. 17). The Court grants the Government's motion as follows.

I.

2 Plaintiff is awarded judgment against Defendants RONALD V.
3 WEEKS and SALLY R. WEEKS, husband and wife, in the amount of
4 \$429,432.28 (\$275,858.39 principal and \$153,573.89 interest accrued
5 through March 19, 2007); and interest to accrue at the rate of
6 \$61.2512 per day from and after March 19, 2007, to the date of
7 judgment; plus interest from the date of judgment at the legal rate
8 until paid in full, for costs of suit, including the filing fee,
9 allowed pursuant to 28 U.S.C. § 2412(a)(2), and other proper
10 relief.

II.

12 The debt upon which this judgment is based is secured and
13 perfected by the following:

(1) A real estate mortgage recorded May 14, 1999, under Auditor's File No. 3009202, Official Records of Okanogan County, Washington.

(2) A partial release executed by a representative of Plaintiff was recorded July 22, 1999, under Auditor's File No. 3011733, Official Records of Okanogan County, Washington.

(3) A real estate mortgage recorded May 14, 1999, under Auditor's File No. 3009231, Official Records of Okanogan County, Washington.

(4) A security agreement covering irrigation equipment and wind machines, including but not limited to pumps, main lines, sprinkler pipes and attachments, which security agreement was perfected by a financing statement recorded May 14, 1999, as Auditor's File No.

1 3009230, and an assignment recorded June 14, 2001, as
2 Auditor's File No. 3035122, Official Records of Okanogan
3 County, Washington.

4 (5) A partial release executed by Growers
5 Credit and Defendants Ronald V. Weeks and Sally R. Weeks,
6 husband and wife, was recorded July 30, 1999, as
7 Auditor's File No. 3012109, Official Records of Okanogan
8 County, Washington.

9 (6) An Assignment of Note and Mortgage recorded
10 June 6, 2001, as Auditor's File No. 3035127, Official
11 Records of Okanogan County, Washington.

12 (7) A perfected security interest in all wind
13 machines and irrigation equipment, including, but not
14 limited to pumps, main lines, sprinkler pipes, and
15 attachments.

16 **III.**

17 The foregoing real estate mortgages, security agreements, and
18 financing statements cover the following described property
19 situated in Okanogan County, State of Washington:

20 **REAL PROPERTY**

21 Tracts 10 and 12 of Okanogan County Assessor's Plat
22 No. 78-1 as per plat thereof recorded May 2, 1978, in
23 Volume H of Plats, Section 3, pages 12 and 13, records of
the Auditor of Okanogan County, Washington

24 EXCEPT Okanogan County Road No. 4328 (North
Assessor's Plat Road),

25 AND EXCEPT the following described tract: A portion
of said Tract 12 of Okanogan County Assessor's Plat No.
78-1 described as follows:

26 Commencing at the Southwest corner of said Tract 12;
27 thence N 89 deg. 21'28" E on the South boundary line of
28 said Tract 12 a distance of 78.96 feet to the East right
of way line of Okanogan County Road No. 4328 (North
Assessor's Plat Road) and the true point of beginning;
thence continue N 89 deg. 21'28" E on the said South
boundary line a distance of 1373.73 feet; thence N 00

1 deg. 38'32" W a distance of 287.94 feet; thence S 89 deg.
2 21'28" W a distance of 991.07 feet to the East right of
3 way line of Okanogan County Road No. 4328; thence S. 61
4 deg. 51'30" W on the said East right of way line a
distance of 277.04 feet; thence S 39 deg. 54'30" W on the
said East right of way line a distance of 210.60 feet to
the true point of beginning.

5 All in Okanogan County, Washington

6 Including but not limited to any replacement of or
7 additions to the complete sprinkler systems with pumps,
mains, sub-mains, risers, sprinklers, plugs, valves and
fittings and all wind machines appurtenant to the real
8 property located in Okanogan County, Washington as
described above.

9 **IV.**

10 Said real estate mortgages, security agreements, and financing
11 statements, which constitute first and prior liens upon the
12 property described therein, are hereby foreclosed and defendants
13 RONALD V. WEEKS and SALLY R. WEEKS, husband and wife; RAY COLBERT;
14 and ROBERT COLBERT and all persons claiming by, through, or under
15 them are forever barred and foreclosed from asserting any right,
16 title, or interest in and to said property, except for the
17 statutory rights of redemption allowed by the laws of the State of
18 Washington, and said property is hereby ordered sold in the manner
19 provided by law with the proceeds of such sale to be applied to the
20 expenses thereof, and then in satisfaction of the sums adjudged to
21 be due plaintiff herein.

22 **V.**

23 Any party to this suit may become a purchaser at such sale.

24 **VI.**

25 The plaintiff shall not have a deficiency judgment in the
26 event the sum received from the sale is insufficient to pay the
27 judgment in full.

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The Government's Application for Judgment and Decree of
3 Foreclosure Upon Order of Default (**Ct. Rec. 17**) is **GRANTED**.

4 2. The Clerk is directed to enter **JUDGMENT** in the Government's
5 favor.

6 3. This file shall be **CLOSED**, and all pending motions **DENIED**
7 **AS MOOT.**

8 **IT IS SO ORDERED.** The District Court Executive is directed to
9 enter this Order and forward a copy to all parties.

10 DATED this 24th day of August 2007.

12 S/ Edward F. Shea

13 Edward F. Shea
United States District Judge

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